

# SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

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July 16, 2004

## San Francisco Bay Conservation And Development Commission

### Notice of Proposed Rulemaking to Amend Title 14, Division 5, Appendix D of the California Code of Regulations Permit Application Form

**Time, Place and Nature of Proceedings:** The San Francisco Bay Conservation and Development Commission gives notice that it will hold a public hearing on Thursday, September 2, 2004, at 1:00 p.m. at the Port of San Francisco Board Room, Second Floor, Ferry Building, San Francisco, California concerning the proposed amendment to the Commission's permit application form that is found in Appendix D, Division 5 of Title 14 of the California Code of Regulations. Please notify the Commission to receive a meeting notice and any notices of change to the hearing date (see Contact Person, below).

**Informative Digest/Policy Statement Overview:** Currently, Appendix D to the Commission's regulations contains the permit application form that is used by individuals, private entities and agencies that wish to apply for one of three types of permit: a major permit, a minor (administrative) permit, or a regionwide permit. A major permit generally applies to Bay fill and shoreline development work within the Commission's jurisdiction that is significant in its size and Bay impacts, or where the nature and location of the work raise significant policy issues. Minor permits generally involve new work or repairs, enumerated in Regulation Section 10610, that do not raise significant policy issues. Regionwide permits cover very minor work such as small repairs to, or replacement of, structures and utilities in the Commission's Bay and shoreline band jurisdictions.

The application asks for information and documents that are required to file an application with the Commission. The proposed changes to the application include new questions necessary to reflect changes to the Commission's laws and policies that have taken place since the last amendment to the application form in 2000. Additional changes would clarify the questions, simplify the form and make editorial corrections.

#### Authority and Reference for amendment to Appendix D:

Authority: Sections 66632, Government Code; and Section 29201(e), Public Resource Code.  
Reference: Sections 65940-65942, 66632(b) and (f) and 84308, Government Code; Sections 2770, 2774, 21080.5, 21082, 21160 and 29520, Public Resource Code; and the San Francisco Bay Plan.



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**Mandate to Local Agency or School District:** None

**Costs to Any Local Agency or School District:** The proposed regulatory action does not impact costs or savings for any local agency or school district, such that costs would qualify for reimbursement under Government Code Section 17500 et seq.

**Other Nondiscretionary Costs or Savings Imposed upon Local Agencies:** None

**Cost or Savings to State Agencies or in Federal Funding to the State:** None.

**Significant Effect on Housing Costs:** None

**Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:** No impact as a result of an amendment to the permit application form.

**Creation or Elimination of Jobs or Business, or Expansion of Business, in California:** The Commission has made an assessment that the proposed regulations would not (1) create or eliminate jobs within California, (2) create new businesses or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

**Business Reporting Requirements:** None.

**Cost Impact on Representative Persons or Businesses:** The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**Effect on Small Business:** None. Revisions to the permit application form do not significantly change the effort or expense needed to complete and submit it.

**No-More-Effective Alternative:** The Commission must determine that no reasonable alternative that it considered or that has otherwise been identified or brought to its attention would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

**Contact Person and Backup:** Inquiries and substantive questions on the proposed regulation should be directed to Ellen M. Sampson, Staff Counsel, San Francisco Bay Conservation and Development Commission, 50 California Street, Suite 2600, San Francisco, California 94111 or to Ms. Sampson at (415) 352-3610 or email at [ellens@bcdc.ca.gov](mailto:ellens@bcdc.ca.gov). If Ms. Sampson is unavailable, please contact Jonathan Smith at the above address or at (415) 352-3655 or email at [jons@bcdc.ca.gov](mailto:jons@bcdc.ca.gov).

**Availability of Express Terms of Proposed Regulation and Initial Statement of Reasons:** The text of the proposed regulation, an initial statement of reasons for the changes and all supporting information are available for review at the Commission's office pursuant to Government Code Section 11346.5. Copies of the text and initial statement of reasons can be obtained by contacting Ms. Sampson (see Contact Person above) or by visiting the Commission's web site at [www.bcdc.ca.gov](http://www.bcdc.ca.gov) from which the documents may be reviewed and printed.

**Date by Which Written Comments Must be Received and Where Directed:** Written comments submitted in advance of the public hearing on this matter should be directed to Ms. Sampson at the Commission's office (see Contact Person, above) and must be received no later than Wednesday, September 1, 2004, at 5:00 p.m. Written comments will be accepted on Thursday September 2, 2004, during the public hearing on this matter at the time and place listed above, or at the Commission's office. The Commission may close the public comment period at the close of the public hearing.

**Availability of Changes to Proposed Regulation:** Pursuant to Government Code Section 11346.8, the full text of substantial changes to the proposed amendment, if any, shall be made available to the public for at least 15 days prior to the date on which the Commission determines whether to adopt the proposed regulation.

**Rulemaking File:** A rulemaking file for this rulemaking activity is maintained at the Commission's office and is available for public review during the Commission's normal business hours (Monday through Friday, 9 a.m. to 5 p.m. excluding the lunch hour). Requests to review the rulemaking file should be directed to Ms. Sampson (see Contact Person above).

**Final Statement of Reasons:** Once prepared, the final statement of reasons will be available as part of the Commission's rulemaking file and may be reviewed at the Commission's offices or obtained by calling Ms. Sampson (see Contact Person above).

**Internet Access:** The proposed regulation and related documents will be available for review and printing on the Commission's web site at [www.bcdc.ca.gov](http://www.bcdc.ca.gov).